REMARKS

Claims 1-23 are pending in the above-identified application. The Examiner rejected claims 18 and 19 under 35 U.S.C. § 101. The Examiner rejected claims 1-23 under 35 U.S.C. § 103(a). Claim 18 is amended to overcome the § 101 rejection. Based on the following remarks, we respectfully request allowance of the application.

CLAIM REJECTIONS – 35 U.S.C. § 101

The Examiner rejected claims 18 and 19 under 35 U.S.C. § 101 because the "computer readable medium" recited in claim 18 could be interpreted to include non-statutory subject matter. The Examiner suggested amending the claims such that they recite a "non-transitory" computer readable medium. Although we disagree with the rejection, to advance prosecution, we amend claim 18 to include the suggested language. We understand the term "non-transitory" to merely exclude "computer readable medium" from reading on non-tangible media such as signals and waveforms, and that no further restriction of the claim scope is introduced through this amendment. Claim 19 depends from claim 18 and, thus, includes this language as well. Accordingly, we respectfully request that this rejection be withdrawn.

CLAIM REJECTIONS – 35 U.S.C. § 103

The Examiner rejected claims 1-23 under 35 U.S.C. § 103(a) for obviousness. The Examiner rejected claims 1-3, 7-9, 13, 14, 20, 21, and 23 as allegedly unpatentable over Broadhurst (U.S. Patent No. 6,560,634 B1) in view of Hatakeyama et al. (U.S. Patent No. 5,454,105 A) (hereinafter Hatakeyama). We respectfully disagree.

Broadhurst and Hatakeyama, No Matter How They Are Combined, Fail to Suggest Every Element of the Claims

With respect to claim 1, the Examiner relies on Broadhurst as the primary reference. Broadhurst is directed toward a method for searching multiple DNS servers to determine the

availability of a single domain name across multiple DNS servers around the world. Broadhurst describes a "query server that overcomes the shortcomings of existing domain name searching techniques by performing a multitude of searches simultaneously, transparent to the user." (Broadhurst, Abstract) "[T]he improved query server searches for existing domain name records in various domains and then displays the results in a formatted manner, thus eliminating the need for a user to perform individual searches." (Broadhurst, Abstract) "For example, if client browser 106 selects 50 domains to query, search engine 226 may spawn 5 search sub-processes, so that each spawned search sub-process queries 10 DNS servers." (Broadhurst, Col. 5, Lines 59-62) "In response to the search request, the DNS server 108 searches its domain-name database for a DNS record associated with the specific domain name (step 148). The DNS server 108 generates a response that indicates whether a DNS record was found for that domain name." (Broadhurst, Col. 6, Lines 10-14) "If a response indicates that the domain-name database contains a DNS record associated with the domain name, query engine 222 flags that response signifying that the domain name has indeed been registered in the specific domain for further inquiry." (Broadhurst, Col. 6, Lines 18-22)
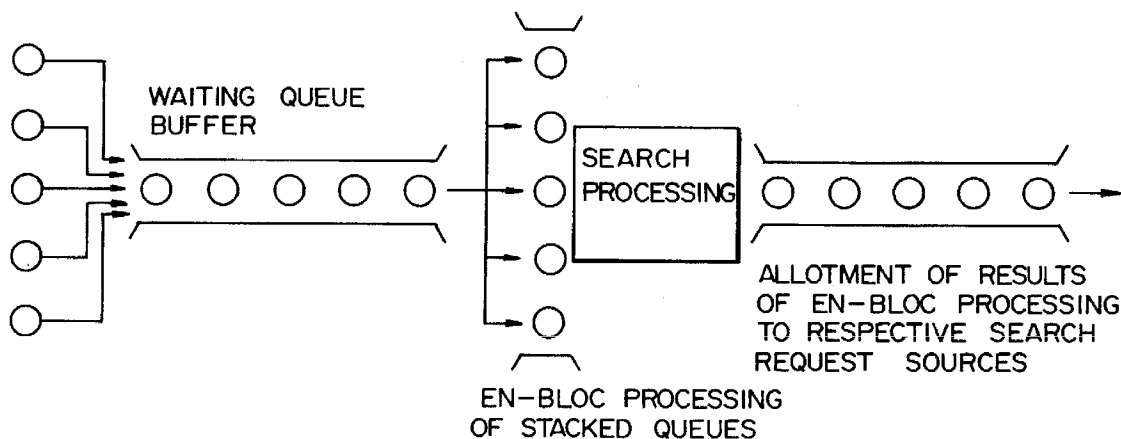
The Examiner admits, however, that Broadhurst fails to disclose the "steps of generating, retrieving, and automatically generating." (Office Action at page 4). We agree. More specifically, Broadhurst fails to disclose, as recited in claim 1 in combination with other subject matter, "generating and performing a second data query derived from said one or more identifiers and from a second data request type of said one or more data request types;" "retrieving at least one second result from the at least one source in response to said second data query;" and "wherein said second data query is automatically generated based on said first data query to select said at least one second result having content associated with, but not identified by, said first data query."

The Examiner states that "in a similar field of endeavor Hatakeyama discloses" these missing elements. We respectfully disagree with this determination, as we believe the Examiner

misinterprets the teachings of Hatakeyama. As further described below, Hatakeyama fails to disclose or suggest modifying Broadhurst to include all of these elements.

Hatakeyama is directed to a "document search method and system for searching and retrieving a document containing a specific character string in response to search requests issued by a plurality of search request sources." (Hatakeyama, Abstract). As the plurality of search requests are received, they are "stored in a queue buffer." (Id.) "When a plurality of search requests have been stored in [the] queue buffer ..., a search processing is performed for the plurality of search requests simultaneously as stored." (Id.) The results of the plurality of search requests are "then distributively outputted to the relevant search request sources, respectively." (Id.) Thus, Hatakeyama is directed to a system that receives multiple searches from different entities, performs these searches, and returns the results to the respective entities. Hatakeyama is merely a system that efficiently performs searches.

An illustration of the function of Hatakeyama is shown in Fig. 2, reproduced below:

WAITING QUEUE BUFFER

SEARCH PROCESSING

ALLOTMENT OF RESULTS OF EN-BLOC PROCESSING TO RESPECTIVE SEARCH REQUEST SOURCES

EN-BLOC PROCESSING OF STACKED QUEUES

Hatakeyama is silent regarding "generating a second data query … wherein the second data query is automatically generated based on [a] first data query to select … at least one second result having content associated with, but not identified by, said first data query."

The Examiner refers to the language "new query" of Hatakeyama as similar to "generating and performing a second data query." (Office Action at page 4.) Hatakeyama's "new query" refers to the way it processes the plurality of queries that it has received. The "new query" is part of the "search consolidation process." (Hatakeyama, Col. 3, Lines 19-23). Hatakeyama is not generating a "second data query" as recited in claim 1. Hatakeyama is processing a collection of distinct queries from distinct users by combining them as part of the search process. Hatakeyama delivers only one result to these distinct users upon completion of the search process. Accordingly, Hatakeyama does not retrieve a "first result" and "second result" as recited in claim 1.

The Examiner further refers to the "search requests together with the identifiers of the terminals," as recited by Hatakeyama, as being similar to "derived from said one or more identifiers and from a second data request type." (Office Action at page 4.) We respectfully disagree with this interpretation. These search requests and identifiers disclosed by Hatakeyama refer to the plurality of search requests and plurality of users making these respective requests. "The queue buffer which is in charge of managing the search requests is designed for registering therein the query statements of the search requests together with the identifiers of the terminals issued [sic] these requests, respectively." (Hatakeyama, Col. 3, Lines 29-33). It is clear from this passage that there are multiple distinct terminals making distinct search requests, but Hatakeyama is silent regarding derivation "from a second data request type."

The identifiers of Hatakeyama are in reference to the identity of the terminal from which the search originated. One example of the identifier of claim 1 is a term being searched. For example, in a Google search for the term "patent," "patent" is the identifier. Hatakeyama is silent regarding a "second data request type." The only data request type disclosed in Hatakeyama is a search for a character string within documents in a database. When read in context, this passage

of Hatakeyama does not disclose or suggest a second data query "derived from said one or more identifiers and from a second data request type" as recited in claim 1.

The Examiner interprets "search requests registered" and "registering therein" of Hatakeyama as similar to a first data request type, and interprets "computer" as similar to a second data request type. (Office Action at page 4). We respectfully disagree. The registering of search requests disclosed by Hatakeyama refers to the placement of the requests in the queue buffer. The "computer" disclosed by Hatakeyama refers to an example term being searched. In fact, the "computer" of Hatakeyama is similar to an example of an identifier as used in claim 1. None of these disclosures by Hatakeyama referred to by the Examiner disclose or suggest both a first data request type and a second data request type. Hatakeyama teaches one data request type, a search, and a process for performing that single search along with other searches from other users.

The Examiner states that the terminal identifiers of Hatakeyama, which refer to the source of the search request, are similar to "having content associated with, but not identified by" as recited in claim 1. Again, we respectfully disagree. The identifiers of Hatakeyama are in reference to where the search request originated, while the identifier recited in claim 1 is, in one example, the term being searched. Hatakeyama is silent regarding a "second result having content associated with, but not identified by, said first data query." Rather, Hatakeyama produces a search result that is, in fact, identified by the search request. In this regard, Hatakeyama explicitly teaches away from this element.

The Examiner's Reasoning to Combine the References Also Fails

The Examiner relies on the erroneous interpretation of Hatakeyama to find a motivation to combine the Broadhurst reference with the Hatakeyama reference but, based on the above, we believe this to be in error. The Examiner states that Hatakeyama's "search requests registered" is a reference to "being registered" as disclosed by Broadhurst. ("It would have been obvious … to readily recognize that being 'registered' by Broadhurst and referred to by Hatakeyama is a

different data request type than 'computer' data request type") (Office Action at page 4). However, the "registering" in Broadhurst is completely different than the "registering" in Hatakeyama. Broadhurst's "registering" refers to domain name registration with the DNS, while Hatakeyama's "registering" refers to keeping track of the multiple distinct searches placed in the queue buffer. The concepts are quite dissimilar. Furthermore, the term "computer" in Hatakeyama is not a data request type, as described above. Thus, the reasoning behind combining these references behind common use of the term "registering" is flawed.

Moreover, even if these references are combined, they do not combine to disclose or suggest more than one data request type. Broadhurst may disclose one data request type. Hatakeyama may disclose a different data request type. Neither disclose both a first data request type and a second data request type. It would be improper to merely combine two references disclosing two different data request types to find claim 1 obvious, especially where neither reference discloses "generating and performing a second data query derived from said one or more identifiers and from a second data request type of said one or more data request types."

Additionally, there is no reason to combine the Broadhurst and Hatakeyama references. Broadhurst is directed to registering a domain name across multiple DNS servers. Hatakeyama is directed toward efficient processing of search requests received from multiple users. Broadhurst begins with a single domain name from one user and searches across multiple domains. Hatakeyama receives distinct search requests from a plurality of users and processes these requests simultaneously to improve efficiency. A person having skill in the art starting with Broadhurst would have no reason to combine the teachings of Broadhurst with a system that receives requests from multiple users. Broadhurst is concerned with registering a single domain name. Hatakeyama teaches away from such use in that it is explicitly designed to collect multiple search requests from distinct users and return specific results to each user.

Furthermore, Broadhurst is directed toward domain name registration. Hatakeyama is directed to searching documents for specific character strings. A person having skill in the art starting with either reference would have no motivation to look to the other.

Thus, based on the above, there is no motivation to combine Broadhurst and Hatakeyama and, even if they were combined, they do not combine to disclose or suggest each and every element of claim 1.

Based on the above, we believe the cited art cannot sustain the rejection of claim 1. Claims 17 and 18 include elements similar to claim 1, and therefore, the cited art fails to support rejections of the claims for the same reasons as claim 1. The remaining claims ultimately depend upon one of the independent claims shown discussed above. While we believe that other arguments are available to highlight the subject matter presented in various ones of these dependent claims, we also believe that the comments set forth herein are sufficiently compelling to warrant exclusion of such additional points for the sake of brevity and expedited consideration.

CONCLUSION

Based on the above, we believe that pending claims 1-23 are allowable. Therefore, we respectfully request allowance of all claims.

The Commissioner is hereby authorized to charge any additional fees which may be required in this application to Deposit Account No. 06-1135.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

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